

10500

TREATIES AND OTHER INTERNATIONAL ACTS SERIES 10500

DEFENSE ASSISTANCE

NEWARK PUBLIC LIBRARY

Articles and Services

JAN 3 1983

U. S. DEPT. OF STATE
DEPOSITORY 3/83

Agreement Between the
UNITED STATES OF AMERICA
and SUDAN

Effected by Exchange of Notes
Dated at Khartoum August 24 and 30, 1981

and

Amending Agreement
Effected by Exchange of Notes
Dated at Khartoum August 30 and
September 25, 1982



S9. 10:

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved
July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

"... the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

SUDAN

Defense Assistance: Articles and Services

Agreement effected by exchange of notes

Dated at Khartoum August 24 and 30, 1981;

Entered into force August 30, 1981.

And amending agreement

Effected by exchange of notes

Dated at Khartoum August 30 and September 25, 1982;

Entered into force September 25, 1982.

*The American Ambassador to the Sudanese Minister of Foreign
Affairs*

AUGUST 24, 1981

No. 188

EXCELLENCY:

I have the honor to refer to the recent discussions between representatives of our two governments concerning the United States Military Assistance Program with Sudan during the United States fiscal year 1981, and the effect of United States laws applicable to the funding of such programs by the United States. I have the further honor to confirm, on behalf of my government, the following understandings reached as a consequence of the aforesaid discussions:

Subject to the terms and conditions set forth in the Mutual Defense Assistance Agreement of April 22, 1981^[1] and as provided herein the United States shall grant to the Government of Sudan defense articles and defense services of a value not to exceed \$1.7 million during the United States fiscal year 1981. The value of such defense articles and defense services shall be calculated by the United States in accordance with the provisions of applicable United States laws and regulations, including the Foreign Assistance Act of 1961, as from time to time amended,^[2] and applicable appropriations legislation.

The defense articles and defense services to be furnished pursuant to this agreement shall be furnished in accordance with, and

¹ Exchange of notes Apr. 8 and 22, 1981. TIAS 10389; 33 UST.

² 75 Stat. 424; 22 U.S.C. § 2151.

subject to, the United States laws referred to in paragraph 1, and such successor legislation as may be hereafter enacted. Deliveries of such defense articles, and the performance of such defense services, may be suspended or terminated by the United States under unusual or compelling circumstances when the national interest of the United States so requires.

Selection of particular defense articles or defense services (hereafter in this paragraph referred to collectively as "items") to be furnished pursuant to this agreement shall be made from time to time by the United States Department of Defense, taking into consideration the requests, if any, of the Ministry of Defense of the Government of Sudan for particular items. The United States Department of Defense may cancel the furnishing of any item, or quantity thereof, at any time in order to recoup funds sufficient to pay any net increases in costs to the United States of the aggregate of selected items within the dollar value specified in paragraph 1. In effecting such recoupments, the United States Department of Defense will take into consideration the views, if any, of the Ministry of Defense of the Government of Sudan as to which items or quantities thereof should be cancelled.

In accordance with the requirements of the Foreign Assistance Act of 1961, as amended—

- A) Title to defense articles to be furnished to the Government of Sudan pursuant to this agreement must be transferred to the Government of Sudan on or before September 30, 1986 and defense services to be performed pursuant to this agreement must be performed not later than September 30, 1986.
- B) Defense articles to which the United States obtains or retains title after September 30, 1986, will not be furnished pursuant to this agreement, and defense services not performed on or before September 30, 1986 will not be performed pursuant to this agreement. The obligations of the United States with respect to the furnishings of such articles and services pursuant to this agreement shall cease as of October 1, 1986, and
- C) Delivery of defense articles furnished pursuant to this agreement to the Government of Sudan must commence on or before September 30, 1986, if such delivery is to be financed from United States military assistance funds. Delivery of such articles after that date shall be at the expense of the Government of Sudan.

I have the honor to propose that this note, together with Your Excellency's note confirming the acceptance of the Government of Sudan of the foregoing understandings, shall constitute an agreement between our two governments with respect to the United States Military Assistance Program for the United States fiscal year 1981, effective from date of Your Excellency's note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

C. WILLIAM KONTOS

C. William Kontos

Ambassador

*The Sudanese Ministry of Foreign Affairs to the American Embassy*MINISTRY OF FOREIGN AFFAIRS
KHARTOUM

MFA/AMR/7/SCR/9

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan presents its compliments to the Embassy of the United States of America in Khartoum, and, with reference to the Embassy's note No. 188, dated August 24, 1981, regarding the recent discussions between representatives of the Governments of the Sudan and the United States concerning the United States military assistance program with Sudan, during the United States fiscal year 1981, and the understandings resulting from the aforesaid discussions, has the honor to bring to the Embassy's notice the acceptance of the competent authorities of the undertakings mentioned in the Embassy's note quoted above.

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

T.A.



TO: EMBASSY OF THE UNITED STATES OF AMERICA.

KHARTOUM

DATE/August, 30, 1981

[AMENDING AGREEMENT]

*The American Chargé d'Affaires, ad interim, to the Sudanese
Minister of Foreign Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
AUGUST 30, 1982

No. 180

EXCELLENCY:

I have the honor to refer to our Note Number 188 of August 24, 1981, and your Note Number MFA/AMR/7/SCR/9 of August 30, 1981, concerning the United States Military Assistance Program with Sudan. Because of changes in U.S. law, which no longer requires that deliveries of equipment under the bilateral agreement be completed prior to September 30, 1986, I have the honor to propose that the attached paragraph of the agreement constituted by the 1981 exchange of notes between our two Governments be deleted. If the foregoing is acceptable to your Government, I have the further honor to propose that this note, together with your reply, shall constitute an agreement between our two Governments effective from the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

JOHN S. DAVISON
John S. Davison
Chargé d'Affaires, a.i.

His Excellency

MOHAMED MIRGHANI MUBARAK
Minister of Foreign Affairs
Democratic Republic of Sudan

ADDENDUM

The paragraph to be deleted is the following from our Note 188 of August 24, 1981:

"In accordance with the requirements of the Foreign Assistance Act of 1961, as amended—

- A) Title to defense articles to be furnished to the Government of Sudan pursuant to this agreement must be transferred to the Government of Sudan on or before September 30, 1986, and defense services to be performed pursuant to this agreement must be performed not later than September 30, 1986.
- B) Defense articles to which the United States obtains or retains title after September 30, 1986, will not be furnished pursuant to this agreement, and defense services not performed on or before September 30, 1986, will not be performed pursuant to this agreement. The obligations of the United States with respect to the furnishings of such articles and services pursuant to this agreement shall cease as of October 1, 1986, and
- C) Delivery of defense articles furnished pursuant to this agreement to the Government of Sudan must commence on or before September 30, 1986, if such delivery is to be financed from United States military assistance funds. Delivery of such articles after that date shall be at the expense of the Government of Sudan."

Deleting this paragraph will allow the United States Department of Defense to provide defense articles on order under the U.S. military assistance program after September 30, 1986. Without this change, the U.S. obligation to furnish defense articles on order but not delivered would terminate on October 1, 1986.

The Sudanese Ministry of Foreign Affairs to the American Embassy

MINISTRY OF FOREIGN AFFAIRS
KHARTOUM

MFA/AMR/7/Con/9

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan presents its compliments to the Embassy of the United States of America in Khartoum, and with reference to the Embassy's note No. 180 dated August 30th, 82,^[1] concerning the deletion of Paragraph 5 of the Mutual Defense Assistance Agreement between the two Countries, has the honour to convey to the Embassy the approval of the Competent Authorities in the Sudan to the foresaid amendments in the Embassy's note quoted above.

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

T.A.



TO: THE EMBASSY OF THE UNITED STATES OF AMERICA.
DATE: 25, Sep, 1982.

¹Refers to agreement of August 24 and 30, 1981.